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THE PARLIAMENTARY PATHFINDER

A QUICK REFERENCE MANUAL OF

RULES OF ORDER

FOR THE GOVERNMENT OF DELIBERATIVE ASSEMBLIES
ACCORDING TO AMERICAN PARLIAMENTARY
LAW AND PRACTICE

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PREFACE

THE novelty of this work lies not in the matter herein contained, but in the manner in which it is presented.

In the text the aim, effect, and form of each of the common parliamentary motions, and the governing rules, are given, the topics being arranged in alphabetical order, for ready reference and consultation, while the most important rules are summarized in the *Quick Reference Chart* on pages vi–vii, which enables one to answer, in an instant, any one of several hundred parliamentary questions.

In the preparation of the work the first parliamentary authorities have been consulted, the points on which they differ have been carefully noted, and that usage which is supported by the greatest weight of authority, and is the most generally accepted, has been adopted.

The book also includes a glossary of parliamentary terms, and the whole is supplemented by that document so worthy of the study of every American, the Constitution of the United States, fully indexed.

This book is given to the public with the confident hope and belief that it will prove a trustworthy guide to any who may take part in the proceedings of a deliberative assembly, whether on the floor or in the chair.

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KEY TO THE ABBREVIATIONS USED IN THE

QUICK REFERENCE CHART.

a = amendable, or can be amended.
c = can be committed.
d = debatable, or can be debated.
pd = can be postponed definitely.
pi = can be postponed indefinitely.
pq = can be prequestioned, or the previous question can be applied.
r = can be reconsidered.
t = can be tabled, or laid on the table.

na = not amendable, or cannot be amended.
nc = cannot be committed.
nd = not debatable, or cannot be debated.
npd = cannot be postponed definitely.
npi = cannot be postponed indefinitely.
npq = cannot be prequestioned, or the previous question cannot be applied.
nr = cannot be reconsidered.
nt = cannot be tabled, or laid on the table.

The numbers refer to the notes in the right-hand column.

QUICK REFERENCE CHART.

(Giving Answers to Three Hundred Questions in Parliamentary Practice.)

Illustration. — Postpone indefinitely. The chart shows by the abbreviations and numbers on the line with this question, that it "cannot be amended" and "cannot be committed;" that (as shown in note 11) it "opens the main question to debate;" that it "cannot be postponed definitely or indefinitely;" that (as shown in note 8) "the previous question applied to it does not affect the main question;" that it "can be reconsidered" and "cannot be laid on the table."

Motions and rules applicable to other questions are shown in like manner.

	Amendment.	Committment.	Debate.	Postponement, Definite.	Postponement, Indefinite.	Previous Question.	Reconsideration.	Tabling.
Adjourn (when privileged)	na	nc	nd	npd	npi	npq	nr	nt
Adjourn, fix time to which to (when privileged) (1)	5	nc	nd	npd	npi	npq	r	nt
Amend	a	nc	d	npd	npi	6	r	7
Amend an amendment	na	nc	d	npd	npi	6	r	7
Appeal relating to indecorum, etc. (2)	na	nc	nd	npd	npi	npq	r	t
Appeal in other cases (2)	na	nc	d	npd	npi	8	r	t

NOTES.

(1) In order even after an unannounced vote to adjourn.
(2) In order when another has the floor.
(3) Requires no second.
(4) Must be raised as soon as the question is stated.
(5) *a* by changing the time.
(6) The previous question ordered on it applies to the main question also, unless limited to this question by the mover.
(7) If tabled, the main question goes to the table with it.
(8) The previous question applied to

Commit	a	nc	9	npd	npi	6	r	nt
Committees, reports of	a	c	d	pd	pi	pq	r	t
Consideration, question of (2) (3) (4)	na	nc	nd	npd	npi	npq	r	nt
Debate, to close at a stated time	a	nc	nd	npd	npi	npq	r	nt
Debate, to extend	a	nc	nd	npd	npi	npq	r	nt
Debate, to limit	a	nc	nd	npd	npi	npq	r	nt
Initial (main or principal) question	a	c	d	pd	pi	pq	r	t
Minutes of secretary	a	nc	d	pd	npi	pq	r	t
Order, point of (2) (3)	na	nc	nd	npd	npi	npq	r	nt
Orders of the day, motion for the (2) (3)	na	nc	nd	npd	npi	npq	r	nt
Postpone definitely	a	nc	10	npd	npi	8	r	nt
Postpone indefinitely	na	nc	11	npd	npi	8	r	nt
Previous question	na	nc	nd	npd	npi	npq	r	nt
Privilege, question of (2) (3)	a	c	d	pd	pi	8	r	t
Reading papers	a	nc	nd	npd	npi	npq	r	nt
Recess, to take a (when privileged)	5	nc	nd	npd	npi	npq	nr	nt
Reconsider a debatable question (12)	na	nc	11	pd	npi	8	nr	13
Reconsider an undebatable question (12)	na	nc	nd	pd	npi	npq	nr	13
Rise (in committee equals adjourn)	na	nc	nd	npd	npi	npq	nr	nt
Suspension of rules (14)	na	nc	nd	npd	npi	npq	nr	nt
Table, to lay on the	na	nc	nd	npd	npi	npq	15	nt
Table, to take from the	na	nc	nd	npd	npi	npq	15	nt
Voting, to decide on the method of	a	nc	nd	npd	pi	npq	r	nt
Withdraw a motion, leave to	na	nc	nd	npd	npi	npq	r	nt

it does not affect the main question.

(9) *d* only as to the advisability of commitment, but, if instructions as to the main question are added, debate is allowed on the merits of that question.

(10) *d* only as to the propriety of postponement.

(11) Opens main question to debate.

(12) Can be moved and entered on the minutes when another has the floor, but cannot further interrupt pending business.

(13) Motion to reconsider and to lay that motion on the table may be made at once.

(14) Requires unanimous consent, when no special rule exists.

(15) Affirmative vote nr.

INTRODUCTORY.

THE ORGANIZATION OF A DELIBERATIVE ASSEMBLY.

In accordance with prevailing custom, organization proceeds as follows: A call having been issued, inviting the friends or opponents of a project or a policy to meet at a specified time and place, at the time appointed one of the signers, or a person designated by them, rises and says, "The meeting will please come to order." He then nominates one to act as chairman, or calls for nominations for that office. If there is more than one nomination, the question is put on the first, and, if that is rejected, then on the second, and so on until a choice is made. The chairman takes the chair, and after a few words of

thanks, in acknowledgment of the compliment paid him, suggests the nomination of a secretary, who is chosen in the same manner as the chairman, and takes his seat near that officer. The meeting is now duly organized as a deliberative assembly, and henceforth, unless special rules to the contrary are adopted, all who take part in the proceedings are bound to observe the letter and spirit of the common parliamentary law.

If it is desired to form a permanent organization, the temporary organization may be made permanent by motion, question, and vote regularly made, stated, and adopted, or the matter may be referred to a committee, to report upon at a future time.

The rules of order necessary to secure regularity, propriety, and dignity of proceeding, and to guard the rights and privileges of both officers and members of an assembly thus organized, are given in the following pages.

PARLIAMENTARY MOTIONS AND RULES OF ORDER.

Adjournment. — The motions relating to adjournment are : —

(1) To fix the time to which to adjourn (privileged).

(2) To fix the time to which to adjourn (unprivileged).

(3) To adjourn (privileged, unqualified).

(4) To adjourn (unprivileged, unqualified).

(5) To adjourn (unprivileged, qualified).

(1) When the immediate consideration of the motion to fix the time to which to adjourn is of urgent necessity, it may be made when other business is before the assembly. It then becomes a highly privileged question.

Effect. If carried, it prevents the disso-

lution of an assembly which has no fixed time for regular meetings, by a vote to adjourn, and saves the necessity of sending a formal notice of the next meeting to the members.

Form. "I move that when this assembly adjourns, it shall adjourn to meet at [stating the hour and day]."

Rules.

1. It can be amended by changing the time.

2. It is not debatable.

3. It is in order after a vote to adjourn, if the result has not been announced by the chair.

4. It is in order in the absence of a quorum.

5. It takes precedence of all other motions.

6. It can be reconsidered.

7. It cannot be renewed until some business has intervened.

8. No subsidiary motion, except to amend, can be applied to it.

(2) The motion to fix the time to which to adjourn, if made when no question is pending, is unprivileged. It is then debatable, and may have subsidiary motions applied to it.

NOTE. — The foregoing statements and rules apply equally to a motion to fix the place, or to a motion to fix the time and place, to which to adjourn.

(3) *To adjourn (privileged, unqualified).*

Aim. To suspend the proceedings until the next meeting, when the time for such meeting has been fixed. If an assembly has no rule providing for meetings at stated times, the next meeting is called an adjourned meeting. It is in effect a continuation of the meeting adjourned.

Effect on unfinished business. Any business interrupted by adjournment is taken up at the adjourned meeting immediately after the approval of the minutes, and pro-

ceeded with as if there had been no adjournment. But if the adjournment is until the next stated meeting, the interrupted business comes up in its place in the regular order, under the head of unfinished business.

Form. "I move that this assembly do now adjourn," or, more commonly, "I move that we adjourn."

Rules.

1. This motion is not debatable.
2. It is in order in the absence of a quorum.
3. It is not in order when another has the floor, or during the taking or verification of a vote.
4. It takes precedence of all other motions.
5. It cannot be reconsidered.
6. It cannot be renewed until some business has intervened.
7. No subsidiary motion can be applied to it.

(4) *To adjourn (unprivileged, unqualified).* If made when no time has been fixed for reassembling, the motion to adjourn is equivalent to a motion to dissolve. It is then an initial motion, without privilege. The same may be said of the motion to adjourn *sine die* (without day), which is identical in meaning with this form of the motion to adjourn. To adjourn *sine die* is contradictory in terms, since an adjournment implies a reassembling. As the effect of either of these motions, if carried, is dissolution, when that end is aimed at, it would be well to substitute a motion that the assembly be now dissolved.

(5) *To adjourn (unprivileged, qualified).* Examples of the qualified motions to adjourn are "to adjourn at a certain time" or "to a certain place," or a combination of these motions, and "to adjourn subject to the call of the chairman."

These qualified motions have no privilege

over any pending question; for they introduce new business, and have some other aim than mere adjournment. They are initial motions.

Amendments. — *Aim.* To so change the form of a question that it may better express the sense of the assembly.

Effect. If carried, the question, as amended, is brought before the assembly. If lost, the question to which it was applied resumes the place it held before the amendment was offered.

Forms. These, which are many and varied, are included under the following heads: —

(1) By adding or inserting words. *Form of stating the question.* Chairman: "It is moved to add [or insert] the following words [stating them] in this place [naming it] and the question is, Will the assembly agree to the amendment?" If adopted, an amendment of this kind cannot be removed by a vote to strike out.

That can be done only after a vote to reconsider.

(2) By striking out words. *Form of stating the question.* Chairman: "It is moved that the following words [stating them] in such a place [describing it] be stricken out, and the question is, Will the assembly agree to the amendment?"

(3) By striking out words and inserting others. This motion is indivisible. In stating it the chairman should name the words proposed to be stricken out, and the words proposed to be inserted, and should read the question as it would stand after amendment.

Amendments of the nature of the three preceding may be offered in great variety. In determining their propriety, confusion may be avoided by a strict adherence to the important principle that each newly offered amendment must contain a substantially different proposition, from any which has been acted upon.

(4) By substitution. This is but a broader form of the motion to strike out and insert. It involves the striking out of an entire proposition and the insertion of another in its place.

(5) By division of the question. A question comprehending points so distinct and entire that if one or more of them be taken away, the others will stand entire and by themselves, may be divided, and each point may be considered separately. This does not usually require a formal motion. A member may call for a division, stating the division desired, and the chair may decide as to the propriety of the request. But if objection is made to this course, a motion, stating how the division is to be made, is in order.

(6) By filling blanks. When a skeleton proposition is introduced, with blanks to be filled by the assembly with times or numbers, the chair may entertain any number of suggestions as to times or numbers,

without requiring a second, but the question must be put first on the longest time or the largest number, and, if lost, then on the next longest time or the next largest number, and so on until a decision is made.

Rules.

1. An amendment can be amended.

2. An amendment to an amendment cannot be amended.

3. A mover can accept an amendment from another member, if there is no objection. If objection is made, the question of amendment can be decided only by vote of the assembly.

4. A member can move to amend his own motion.

5. An amendment is debatable.

6. Two separate amendments to a question cannot be pending at a time. Here, as elsewhere, we note the importance of observing the maxim, "One thing at a time."

7. An amendment must be germane, that

is, it must have some relation, however remote, to the question it is proposed to amend. So long as an amendment is at all relevant to the pending proposition, it is allowable to apply it to that proposition, although it may so completely change the nature of the question that its original friends may be forced to vote against it in its final form.

8. An amendment cannot be ruled out of order by the chair because he deems it inconsistent with something in the pending proposition, or with other amendments that have been adopted. That is a question for the decision of the assembly.

9. To strike out, or to insert the word "not," is not a proper amendment, when it simply changes a negative statement to an affirmative, or the reverse, for such an amendment would reverse the vote, but not its meaning.

10. The motion to amend takes precedence only of the question to which it is

applied. It yields to any privileged, incidental, or subsidiary motion except to indefinitely postpone.

11. It can be reconsidered.

12. An amendment can be laid on the table, but, if tabled, it carries the main question with it.

13. The previous question ordered on an amendment affects the amendment only. If ordered when a question and an amendment are pending, and it is not limited to the amendment, it forces both to a vote, first on the amendment, and then on the main question.

14. When a question, an amendment thereto, and an amendment to the amendment are pending, the vote is first taken on the amendment to the amendment, next on the amendment, whether amended or not, and lastly on the original question, whether amended or not.

Appeals. — *Aim.* To secure a reversal by the assembly of a decision of the chair, with

which the member appealing is dissatisfied.

Form. "I appeal from the decision of the chair."

Form of stating the question. Chairman: "Shall the decision of the chair stand as the decision of the assembly?" or "Shall the decision of the chair be sustained?"

Rules.

1. An appeal cannot be amended.

2. It is debatable except when it relates to indecorum, transgression of the rules of speaking, or priority of business, or while the previous question is pending. When debatable, the chair may take part in the debate, stating the grounds of his decision, and the appellant may state the grounds of his appeal.

3. An appeal is in order when another has the floor.

4. It is not in order when another appeal is before the assembly.

5. It takes precedence only of the question

which gives rise to it, and yields to privileged motions.

6. A vote on an appeal can be reconsidered.

7. The only subsidiary motions that can be applied to it are to lay on the table, and for the previous question when the appeal is debatable, but neither affects anything but the appeal.

8. An appeal must be seconded.

9. The effect of a tie vote is to sustain the decision of the chair, for the decision is not thereby overruled.

10. The chairman, when a member, has the right to vote.

11. Points of order arising under an appeal must be decided at once by the chair, subject to later review by the assembly.

Business, Order of. — Where no rule on the subject exists, the natural order of business would be followed, viz. : —

1. Call to order.
2. Reading of the minutes.

3. Reports of committees.
4. Unfinished business.
5. New business.
6. Adjournment.

To vary the order of business is sometimes desirable. This may be done by a suspension of the rules, but as this usually requires more than a majority vote, an item of business may often be more readily reached before it comes in turn, by tabling the successive items as they are announced, until the desired one is reached.

Commitment. — *Aim.* To procure a careful and deliberate consideration of a defective proposition, or one on which further information is desired, in order that the same may be put into proper form for the action of the assembly.

Effect. To suspend action by the assembly until the reception of the report of the committee to which the question is referred,

Form. "I move that the proposition be committed [or referred] to a committee of [stating the number] to be appointed by the [chair or assembly]."

Rules.

1. The motion to commit may be amended by substituting another committee for the one named, by making the committee larger or smaller, or by adding instructions.

2. It is debatable as to the advisability of committing, but, if instructions as to the main question are added, debate is allowed on the merits of that question.

3. A part of a subject may be referred to one committee, and a part to another. This requires a division of the question.

4. A motion to commit with instructions is indivisible.

5. A motion to refer to a standing committee takes precedence of a motion to refer to a special committee.

6. The motion to commit takes precedence

of the motion to amend and to postpone indefinitely, and yields to any privileged or incidental motion and to the motions to lay on the table, for the previous question, and to postpone definitely.

7. It can be reconsidered.

8. No subsidiary motion, except for the previous question, and to amend, can be applied to it.

Committees. — Committees are of two classes, standing and special. Standing committees are appointed, and their duties and the subjects for their consideration are regulated by special rules. They are expected to inquire into and report on subjects within their jurisdiction, whenever, in their opinion, the interests of the assembly so require, or when a report is called for by the assembly.

Special committees are charged with special duties, having performed which, they are discharged, unless their reports are recommitted.

Appointment of Committees — Rules.

1. If no standing committee competent to consider a given subject exists, a special committee may be appointed in either of the following ways, as the assembly may decide: —

By appointment by the chair.

By nomination from the floor, and vote of the assembly.

By nomination by a committee, and vote of the assembly.

2. It is customary to appoint the mover a member of the committee, and he is generally the first named.

3. The member first named is the chairman, unless the committee shall exercise its right to appoint another.

4. In case of nominations from the floor, the names should be voted on in the order in which they are mentioned.

5. In theory, the majority of the committee should be friends of the measure

referred, and one who has shown decided opposition should not be appointed, for, as a distinguished parliamentarian has said: "A child should not be put to a nurse who cares not for it."

6. A small committee is best for action, a large one for deliberation.

7. The secretary should notify the members of their appointment, and place in the hands of the chairman a list of the committee, with the papers, if any, relating to the matter referred.

Proceedings of Committees — Rules.

1. A committee, being a miniature assembly, is governed by the same parliamentary rules as the assembly from which it receives its appointment.

2. A majority constitutes a quorum.

3. The members cannot act by separate consultation and assent.

4. Without a special order to that effect,

a committee is not at liberty to sit during a meeting of the assembly.

5. A committee cannot erase, blot, interline, disfigure, or tear any paper referred, but must set down any amendments agreed to on a separate paper, or report a new and amended draft.

6. A committee cannot reject a paper, but must report it to the assembly, affirmatively or negatively.

7. No action can be reconsidered, unless all the members of the majority are present.

8. A committee cannot discipline its members for disorderly words or conduct, but must report the same to the assembly.

9. The proceedings are brought to a close by a vote "that the committee do now rise," the motion to that effect being subject to the same rules as the motion to adjourn. The presentation of the report may be intrusted to any member, but it is usually made by the chairman.

Reports of Committees — Forms.

Of a standing committee. "The committee on [inserting the name of committee] respectfully report," or "beg leave to submit the following report [presenting the report]."

Of a special committee. "The committee to which was referred (stating the subject referred), having considered the same, respectfully report," etc.

Of a minority. "The undersigned, a minority of the committee to which was referred" etc.

Reports should conclude with the words, "All of which is respectfully submitted."

Reports of Committees, Action on — Rules.

1. When an assembly is ready to hear a report, a motion that the report be received is in order, but by general consent this formality is usually dispensed with.

2. On matters of slight importance an oral report is sufficient; but on more weighty affairs the report should be in writing, and signed by all the members agreeing, and should contain recommendations, whenever the nature of the subject requires.

3. To receive a report is not to accept it.

4. The reception of a report involves the discharge of the committee, unless revived by a recommittal. No motion to discharge the committee is needed.

5. The assembly may consider the report on its reception, or postpone consideration to a more convenient time.

6. The motion to commit often specifies the time at or before which the committee shall report. When no time is mentioned, the assembly may call for a report, or may discharge the committee and resume consideration of the referred question, at any time, when no other business is pending.

7. When a report merely states informa-

tion collected or facts ascertained, a motion to accept the report is all that is necessary to give the assembly an opportunity to act thereon.

8. When a committee reports some act done, a motion to approve is proper.

9. When a committee reports a plan of action devised, a motion to adopt the report and the recommendations therein contained is in order.

10. When a report contains several distinct propositions, or resolutions, it is customary to have the secretary read the paragraphs or resolutions successively, pausing at the end of each, that the chair may receive and put any amendments that may be offered. Where there is a preamble, it should be read and acted upon last. When this is done, the chair submits the report as a whole, amended or unamended, to the assembly for its final action.

11. The member presenting a report has

the privilege of opening and closing the debate on the question of its adoption.

12. The report of the majority is the report of the committee.

13. A minority may present a report. If the assembly desires to accept the minority report, it may do so by voting that it be substituted for the report of the committee, and then accepting the amended report.

Committee of the Whole. — Sometimes an assembly resolves itself into a committee of the whole by adopting the motion "That this assembly do now resolve itself into a committee of the whole for the purpose of considering the question [naming it]." This committee has, of course, the same membership as the assembly, and the same organization, except the presiding officer, who is called the chairman and is usually appointed by the regular presiding officer of the assembly, though the committee has the right to elect a chairman. The advan-

tage of such a committee is that, many of the rules of the assembly being dispensed with, a measure may be discussed with more freedom and amended more readily than in regular session. The committee reports in the same manner as other committees. The assembly may then adopt or reject the report.

Rules.

1. The same number constitutes a quorum as in the assembly itself. Whenever it appears that there is not a quorum present, the committee rises and so reports. When a quorum is secured, the committee resumes its session at once.

2. A member may speak as often as he can obtain the floor.

3. A committee of the whole cannot have sub-committees.

4. It cannot punish for a breach of order, but must rise and report to the assembly.

5. The chairman may call another mem-

ber to the chair, while he takes part in the debate.

6. The committee, not having finished its labors, may rise, report, and ask leave to sit again.

7. The only motions in order are to amend, to adopt, and to rise and report.

8. The yeas and nays cannot be called.

9. The committee of the whole cannot adjourn. When its labors are concluded, it rises and reports to the assembly.

10. When the committee has risen, the presiding officer of the assembly resumes his position, and the chairman of the committee reports its action.

11. The clerk records only the report of the committee, but makes memoranda of the proceedings for the use of the committee.

NOTE. — There is not often occasion for assemblies not legislative to go into a committee of the whole, as the ordinary methods of procedure suffice for the conduct of their business.

Consideration, Informal. — Sometimes an assembly, wishing to consider a question informally, by the adoption of a vote that it be so considered, resolves itself into what may be called a *quasi* committee of the whole. Many of the rules applicable to a committee of the whole apply to an assembly acting informally, but the regular presiding officer is the chairman, and the motion to rise is not needed. The adoption of any motion other than to amend or to adopt ends the informal session. Whatever has been done is then reported to the assembly and formal action is taken. The clerk makes memoranda of the informal consideration, but enters only the chairman's report on the minutes.

Consideration, Question of. — *Aim.* To prevent the consideration of a question which may seem absurd, trivial, unnecessary, or hurtful to the interests of the assembly.

Effect. If carried, consideration proceeds. If lost, the main question remains as if it

had not been introduced, and other business is in order.

Form. "I raise the question of consideration," or "I object to the consideration of the question."

Form of stating the question. Chairman: "The question of consideration being raised," or "objection to consideration being made, the question before the assembly is, Shall the question be considered?"

Rules.

1. The question of consideration applies only to the main question.
2. It is not debatable.
3. Objection must be raised as soon as the question is stated.
4. The chair may put the question without waiting for a member to raise it.
5. It needs no recognition from the chair.
6. It cannot be reconsidered unless that is done before consideration begins.
7. It requires no second.

8. No subsidiary motion can be applied to it.

Debate. — The object of debate is to elucidate the truth and to enlighten the members of an assembly, that they may vote intelligently. There must be a motion regularly made, seconded, and stated, before there can be debate. A member desiring to speak must rise and address the chair, and, having been recognized by the announcement of his name, may speak. If two or more members seek recognition at the same time, it is for the chair to decide which is entitled to the floor. The assembly may overrule the decision of the chair.

One who has the floor may hold it as long as he observes the rules of debate, subject to any special rules that may exist as to the limit of time allowed to each speaker. No member can speak more than once on the same question, but this rule is now much relaxed in many assemblies, and members are allowed to speak as often as they can obtain

the floor, nor is this freedom likely to be greatly abused, since there are effective parliamentary devices for suppressing tedious and unprofitable debate.

The chairman should maintain his position as the impartial arbiter in the debate, but this does not preclude his stating such material facts as may be within his knowledge. Should he rise to speak, the member having the floor should take his seat for the time being, and resume his speech after the chairman has concluded. A speaker may yield the floor for a question addressed to himself, or for a motion to adjourn or to take a recess, without losing his right to the floor when consideration is resumed. If he yields for any other reason than those stated, he gives up his right to the floor, and cannot continue speaking without the consent of the assembly.

Order and dignity should be preserved during debate, and to this end, debate must be relevant and strictly confined to the

question before the assembly. By the introduction of subsidiary motions at various stages, a question related to the main question, yet so differing from it as to constitute practically a different question, may become the subject of debate, so that, unless the speaker is held closely to the question in hand at a given time, there will be confusion. A speaker must not reflect on any previous action of the assembly, except when speaking on the question of reconsideration. A speaker should refer to officers by their titles, and to members without calling their names, but by using such phrases as "the member on my right," the member who last spoke," etc. Personalities or the arraignment of the motives of opponents are always out of order, and no interruptions calculated to disconcert or embarrass a speaker should be allowed to interfere with that freedom of debate which is the right of the members of every American assembly.

Whenever a speaker transgresses the rules of debate, the chairman or any member may call the offender to order, and the member so called to order must take his seat until the question of order is decided. If he is charged with the use of disorderly words, they should be reduced to writing by the clerk at the dictation of the member complaining. They are then submitted to the accused, that he may deny, justify, retract, explain, or apologize. If he does any one of these to the satisfaction of the assembly, a vote that he be allowed to continue is in order, and the incident is closed. If he admits using the words, and does not explain or apologize satisfactorily, any two members may call for the sense of the assembly by moving that the words be regarded as censurable. Before that question is stated, the accused must withdraw, and if the words were personal to the accuser, he also must withdraw, while the assembly has under consideration the question of guilt

or innocence, and the degree of punishment if guilty. The usual punishment is temporary or permanent exclusion from membership. Sometimes punishment is decreed with a proviso that it shall be waived, if due retraction or apology is made. If no action is taken, the accused and accuser may return.

Debate may be limited by the adoption of an order, before debate commences, that no member shall be permitted to speak longer than a specified time on the pending question, but a speaker's time may be extended by vote. Debate may also be limited by an order, stating the number of speeches that may be allowed to each speaker or to each side.

Debate may be closed by the operation of an order adopted before debate, that debate be closed at or in a certain time, and that the pending question be then put to vote, unless a vote be sooner reached. When the time fixed for closure arrives, the chair

states that the time for closing the debate has come, and forthwith puts the question. A vote to lay the pending question on the table and an order for the previous question are the other methods of closure.

Unless closed by order of the assembly, debate need not finally cease until both sides of the question have been put to vote, except when the vote is taken by yeas and nays. Even after the affirmative vote has been taken, debate may be reopened, in which case the affirmative should be put to vote again.

Division of the Assembly. (See **Voting.**)

Division of the Question. (See **Amendments.**)

Election of Officers. — The method of election is usually prescribed by the by-laws or special rules of an assembly. Where no rules exist, the general procedure is as follows: A committee on nominations is appointed, with instructions to report at a specified time. At the appointed time the

report of the committee is received, and the nominees are elected or rejected by ballot. Where there is no nominating committee, nominations may be made from the floor. Nominations should be seconded, unless seconding is omitted by general consent. Nominations having been closed and ballots prepared, the chair appoints tellers who collect and count the ballots, and through their chairman report the result of the count, handing the same to the chair, who formally announces the result of the election to the assembly. If there is no choice, another ballot is taken, and so on, until a choice has been made.

Rules.

1. A majority of the ballots cast elects.

2. When two or more are voted for on one ballot, as a board of trustees, all having a majority are elected, and, if the list is not thus filled, another ballot may be taken to complete the required number.

3. Ballots should be construed so as to give effect to the voter's intention. Errors in spelling, abbreviation, or giving wrong initials do not render a ballot invalid, provided the writer's intent is plain. Doubtful cases are determined by the assembly.

4. Blanks are not reported.

NOTE. — It is a frequent custom, when there is but one candidate, to instruct the secretary to cast one ballot for the candidate, as expressing the sense of the assembly, provided no one objects. This method is not commendable. It gives no legality to the ballot, and violates its distinguishing and essential feature, which is absolute secrecy. The fact that no one objects is of no consequence, for no one ought to be forced to declare himself opposed to what seems to be the general sense of the assembly, in order to secure his right to a secret vote.

Filling Blanks. (See **Amendments.**)

Incidental Questions. — These are side questions arising out of others, and which must be decided before the questions which

give rise to them. They take precedence of main and subsidiary questions, and yield to privileged questions. Of this nature are: —

Questions of order.
Reading of papers.
Leave to withdraw a motion.
Suspension of the rules.
Method of consideration.

Initial (Main or Principal) Question. — The first formal movement toward bringing a subject before an assembly is very properly called a motion. When made, seconded, and stated by the chair, it becomes a question. So long as a question stands alone, it is simply the question before the assembly, and may be termed an initial or original question, though often called the main or principal question. When an additional question rises, the initial question becomes, in a true sense, the main or principal question, and is so designated until

disposed of or until it again stands alone. An initial motion should be in writing, if not so brief and simple that it can be readily taken down by the secretary. It must be in writing if demanded by the chair or any member, and must be read as often as required. Sometimes a mover submits his proposition in the form of a resolution or resolutions, which, if no motion to adopt is made, may be referred to a committee.

Motions, Classes of. — The usual classification of motions is as follows: —

The Initial (Main or Principal) motion.
Subsidiary motions.
Privileged motions.
Incidental motions.

The important motion to reconsider, not belonging properly in either of these classes, is unclassified, as are also the motion to take from the table, and those relating to methods of voting, etc.

Orders of the Day. — These are subjects, the consideration of which has been assigned to a specified day or hour, or both. When it seems desirable that a subject be considered at a future time, a motion may be offered that it be made the order of the day for such a time. This motion is of the nature of the motion to postpone definitely. When several subjects are assigned for the same day, they are called the orders of the day.

When the time fixed arrives, the chairman states the fact, or a member calls for the orders of the day. The chair then asks, "Shall the orders of the day be taken up?" There being no objection, the pending business is interrupted as by an adjournment, and the orders are taken up. If objection is made, the question of taking them up is put to vote.

Effect. If lost, the orders of the day are dispensed with only so far as they interfere with the business before the assembly at the time of the call.

Rules.

1. A call for the orders of the day is not debatable.

2. It is in order when another has the floor.

3. It takes precedence of all other questions, except other privileged questions, and to reconsider. To the privileged questions it yields.

4. It can be reconsidered.

5. It can be renewed when the pending question is disposed of.

6. It requires no second.

7. No subsidiary motion can be applied to it.

8. When there are several orders, they must be taken up in the order of their assignment.

9. When taken up, an order may be assigned to another time, and thus become again a special order.

10. Business suspended by a call for the

orders of the day is resumed, after they have been disposed of, at the point at which it was interrupted.

NOTE. — Orders of the day have little place in the procedure of ordinary assemblies, but in legislative bodies they are common and necessary. There they are divided into two classes, general and special. General orders are bills or other matters assigned for consideration in the order of business on a future day. They can be made by a majority, and cannot interfere with the established rules. Special orders take precedence of general orders. They are subjects of special importance which have been assigned to a fixed time, at which time they become privileged questions, with the right of immediate consideration. Their assignment amounts to a suspension of the rules, and therefore the same vote is required to make of any question a special order, as is required to suspend the rules.

Order, Points of. — It is the duty of the chairman to call to order at once any member who violates the rules of the assembly,

or general parliamentary law, and to correct any irregularity in the proceedings. It is the right of any member who discovers a departure from the rules, to raise a point of order, which is done by rising and thus addressing the chair, "Mr. Chairman, I rise to a point of order." The pending business is at once suspended, until the question is decided. The member raising the point of order having stated it, the chair decides whether or not it is well taken, or he may submit the question to the assembly. If the decision is in the negative, the interrupted business proceeds; if in the affirmative, whatever action is necessitated by the question of order, is taken, after which the business interrupted is resumed. If any member is dissatisfied with a decision of the chair, his remedy lies in an appeal to the assembly. (See **Appeals.**)

Rules.

1. It is not debatable.

2. The chairman may ask members to assist him in deciding, but advice must be given sitting to avoid the appearance of debate.

3. It is in order when another has the floor.

4. It requires no second.

5. It takes precedence only of the question which gives rise to it, and yields to privileged motions.

6. It is not subject to subsidiary action.

7. If a point of order arises while a previous point of order is being considered, the latter must be decided by the chair peremptorily, subject to later action by the assembly, if deemed irregular.

8. If a point of order arises during the division of an assembly, it must be decided in like manner.

Parliamentary Inquiry. — This is of the

nature of a privileged question. A member desiring information as to the effect of a pending question, or to have a doubt resolved as to any rule, method, or form of proceeding relating to the business before the assembly, may rise and say, "Mr Chairman, I rise to a parliamentary inquiry." Chairman: "Please state the inquiry." It is the duty of the chair to answer the inquiry, unless the answer would foreshadow his probable ruling on a question of order which he desires to consider further, before announcing his decision.

Rules.

1. It is in order at any time, except when another member has the floor.

2. It needs no recognition from the chair.

3. It requires no second.

4. There is no appeal from the chairman's response.

5. Parliamentary inquiries should be re-

stricted to business immediately before the assembly.

Postponement, Definite. — *Aim.* To delay action on a proposition, when business of greater immediate importance demands attention, or to enable the members to get more information on the merits of a proposition before consideration.

Effect. If the motion to postpone to a definite time is carried, the main question is removed from consideration until the time to which it is postponed. If lost, the main question resumes its former position.

Form. "I move that the question be postponed to [stating the date] at [stating the hour]."

Rules.

1. It can be amended by changing the time.

2. It is debatable only as to the propriety of postponement.

3. It takes precedence of to amend, to

commit, and to postpone indefinitely, and yields to privileged and incidental motions, and to the motion to lay on the table, and for the previous question.

4. The previous question ordered on it does not affect the main question.

5. It can be reconsidered.

6. No subsidiary motion, except to amend, and for the previous question can be applied to it.

Postponement, Indefinite. — *Aim.* To defeat a pending proposition by declining further consideration.

Effect. If carried, it removes the pending question from the consideration of the assembly. If lost, the main question resumes its former position.

Form. "I move that the question be indefinitely postponed."

RULES.

1. It applies only to main questions, and questions of privilege.

2. It is debatable, and opens to debate the entire merits of the question to which it is applied.

3. It takes precedence of nothing except the main question, and yields to any privileged, incidental, or subsidiary motion.

4. The previous question ordered on it does not affect the main question.

5. It can be reconsidered.

6. No subsidiary motion, except for the previous question, can be applied to it.

Presiding Officer. — The general title of the presiding officer is the chairman, but the title varies greatly, according to the customs of different assemblies. He is the leader and servant of the assembly, and in both these spheres his duties are manifold and laborious, and require for their successful performance a combination of qualities that must command respect. He should be quick to apprehend, able to discriminate, prompt, as well as firm, in his decisions, and possessed of a degree of self-control which

will enable him to remain calm and patient in all situations. If to these qualities are added a familiarity with parliamentary science, a dignified and courteous bearing, and a pleasing voice of sufficient compass to be readily heard in the remotest parts of the place of meeting, he may hope to perform creditably his duties, the principal of which are : —

To take the chair and call to order promptly at the time appointed for the meeting.

To announce each item of business in its prescribed order, and to state the result of any action thereon.

To receive, state, and put to vote regular motions made by members.

To enforce at all times the rules of order.

To decide all points of order, subject to an appeal to the assembly.

To answer parliamentary inquiries.

To present all communications for consideration.

To name the members of committees, when not otherwise provided for.

To authenticate by his signature, when necessary, the acts of the assembly, and, generally, to represent the assembly as its agent, always conforming to its will.

The chairman should rise to state facts, or to put a question, but may read sitting.

Previous Question. — *Aim.* To stop debate, cut off amendments, and bring the assembly to an immediate vote on the pending question, or questions.

Effect. If carried, it brings the questions to which it is applied to the test of a vote. If lost, the pending question with all adhering ones stands as if the previous question had not been moved.

Form. "I move the previous question."

Form of stating the question. Chairman: "The question is, Shall the main question be now put?" or, if the motion is limited to an amendment, "Shall the question on the amendment be now put?" The following

form is also in use : "The question is upon agreeing to the demand for the previous question. As many as are in favor," etc.

Rules.

1. The previous question can be applied to any debatable question.

2. When applied to the following questions, it does not affect the main question: appeals, to postpone definitely, to postpone indefinitely, to reconsider, and questions of privilege.

3. If ordered when the motions to amend or to commit are pending, it forces a vote, not only upon these questions, but also upon the main question, unless limited by the mover to the question of amendment or commitment.

4. It is not debatable.

5. It is said to have been executed when the vote has been taken on the question or questions to which it is applied.

6. It is said to have been exhausted when votes have been taken on all the questions of a series to which it applies.

7. It takes precedence of all debatable questions, and yields to privileged and incidental motions and to the motion to lay on the table.

8. It can be reconsidered.

9. Questions upon which votes have been taken under the operation of the previous question can be reconsidered, as if that question had not been ordered.

Privileged Questions. — Those, which, on account of their urgent necessity, take precedence of questions of any other class. They are: —

To fix the time to which to adjourn (see **Adjournment** [1]).
To adjourn (see **Adjournment** [3]).
To take a recess (see **Recess** [1]).
Questions of privilege.
Call for the orders of the day.

Privilege, Questions of. — These must not be confounded with privileged questions. While they are privileged, as is indicated in the foregoing list, not all privileged questions are questions of privilege. The questions of adjournment or to take a recess, for instance, are not so essential to the preservation of the rights of assembly or its members, as to allow them to be classed as questions of privilege. The latter are of two classes: —

(1) Those relating to the rights of the assembly.

(2) Those relating to the rights of the members, as members.

Aim. To meet a sudden or important emergency, as a riotous disturbance of the proceedings, a fire, a slanderous attack by a member on the reputation of another, or slighter matters, as defective heating, lighting, or ventilation. Such causes give occasion for the raising of a question of privilege, which is done by a member ris-

ing and saying, "Mr. Chairman, I rise to a question of privilege which affects this assembly," or "I rise to a question of personal privilege," whereupon the chair calls for a statement of the question.

Effect. The chair having ruled that the question is one of privilege, all other business is suspended until the assembly has taken whatever action is thought necessary in the case, after which the business interrupted is resumed.

NOTE. — The term "question of privilege" is here regarded as applying not only to the calling of attention to a violation of privilege, but also to every question that arises therefrom.

RULES.

1. Final action need not be taken when the question is raised.
2. An appeal can be taken from the decision of the chair.
3. A question of privilege is debatable.

4. If requiring immediate attention, it is in order when another has the floor.

5. It takes precedence of all other questions, except the following when privileged: to fix the time to which to adjourn, to adjourn, and for a recess.

6. When raised, it needs no recognition from the chair.

7. It can be reconsidered.

8. When raised, it requires no second.

9. Any subsidiary motion can be applied to it, and, in such case, the subsidiary motion does not affect the question interrupted by the question of privilege.

Quorum. — A quorum is the least number competent to transact business legally. Non-representative bodies, as town meetings, stockholders' meetings, and voluntary assemblies generally, do not require a quorum. Where bodies are appointed by law to perform judicial acts, as in the case of referees, the whole board constitutes a quorum. In other cases, where no

special rule exists, a majority constitutes a quorum, but assemblies frequently fix the quorum at a much smaller number.

Rules.

1. To render proceedings legal, a present quorum, not a voting quorum, is required.

2. Until the chairman or other member raises the question of a quorum, a quorum is always supposed to be present.

3. In the absence of a quorum a meeting may be called to order, but no business is in order except the motions relating to adjournment, and such measures as may be taken to secure the presence of a quorum.

4. Whenever the presence of a quorum is doubted, it can be ascertained by calling the roll.

5. In the presence of a quorum a vote is valid, though less than a quorum vote.

6. A quorum being present, a vote is valid, if carried by a majority of those who actually vote on the question.

Reading Papers. — It is the right of a member to have read once any paper on which action is to be taken, but when a member requests the reading of any paper not subject to action, the consent of the assembly must be obtained. The reading may proceed, if on inquiry by the chair no objection is made. There being objection, a motion is necessary.

Form. "I move that the paper [describing it] be read by the secretary."

Rules.

1. It can be amended.
2. It is not debatable.
3. It takes precedence of nothing, except the question giving rise to it, and yields to privileged questions.
4. It can be reconsidered.
5. No subsidiary motion except to amend can be applied to it.

Recess. — (1) When the time for reassem-

bling has been fixed, the motion for a recess is highly privileged. It is subject to the same rules as the privileged motion to adjourn, except that it may be amended by changing the time, and that it takes precedence of all other motions except the privileged motions relating to adjournment, to which it yields. (2) Under other circumstances this motion is not privileged, and can be made only when no other business is pending.

Form. "I move that the assembly take a recess of [stating the length] or until [naming the time of reassembling]."

Recommitment. — *Aim.* To refer to a committee a question which it has already considered and on which it has reported.

Effect. If carried, the whole question is again placed in the hands of the committee, to be treated as if nothing had passed there concerning it.

Form. "I move that the question be recommitted."

This question is governed by the same rules as the question of commitment.

Reconsideration. — The motion to reconsider is distinctively American, not being known to English parliamentary law.

Aim. As its name indicates, to secure a second consideration of a question on which a vote has already been taken, in order that errors or omissions caused by hasty or ill-considered action may be corrected or supplied.

Effect. If carried, the question to which it is applied is restored to the position it held before being voted upon. If lost, the question to which it is applied remains as if the motion for reconsideration had not been made.

Form. "I move that the question be reconsidered."

Rules.

1. It can be applied to any question except to adjourn (privileged), to rise (in committee), to lay on the table when carried, to take from the table when carried, to take a recess, to suspend the rules, to reconsider, and to a vote which has resulted in some action which the assembly has not the power to reverse.

2. It is debatable only when applied to a debatable question. It then opens to debate the entire merits of the question.

3. Its adoption requires a majority vote without regard to the vote required to carry the main question.

4. It must be moved at the meeting when the vote on the question sought to be reconsidered, was adopted, or at the next meeting.

5. It must be made by one who voted on the prevailing side.

6. In case of a tie, it must be made by one who voted in the negative.

7. A motion cannot be more than once reconsidered.

8. The previous question, when it has been partly executed, cannot be reconsidered.

9. These subsidiary motions can be applied to it: to lay on the table, for the previous question, when it is debatable, and to postpone definitely.

10. When laid on the table nothing goes to the table with it. Long prevailing custom in legislatures has sanctioned the practice of moving to reconsider and to lay that motion on the table at the same time. This is the only allowable exception to the rule, "One thing at a time."

11. The previous question applied to it affects only the motion to reconsider.

12. A vote on an amendment may be reconsidered before the vote on the question amended is taken, but not afterward, unless that question has been reconsidered.

13. The motion to reconsider can be

moved and entered on the minutes, when other business is pending, or when another has the floor, but action must be deferred until the pending question has been disposed of, when, if called up, the motion takes precedence of all questions except the privileged motions relating to adjournment and recess. But the reconsideration of a vote on an incidental or subsidiary question, unless such vote has effected the removal of the main question from before the assembly, requires immediate action.

14. Except as stated in the foregoing rule, the motion to reconsider takes precedence only of the question proposed to be reconsidered, and yields to privileged motions, except for the orders of the day, and to incidental motions.

Recording Officer. — The duties of the secretary or clerk are second in importance only to those of the chairman. He should be a ready writer and a good reader. He needs a keen eye and an attentive ear, so

that nothing that transpires may escape his vigilance. His principal duties are: —

To record on the minutes all that is done, not all that is moved, and he should strive for accuracy and brevity. The minutes should not contain comments, favorable or otherwise, on the attitude of members on the questions that come before the assembly.

To read papers called for by the chair or assembly.

To keep a correct roll of the members.

To furnish the chairman of each committee a list of the members thereof.

To notify committees of the business referred to them, and to place in their hands all papers relating to the matters referred.

To call and record the yeas and nays when the vote is thus taken.

To keep on file all papers and documents belonging to the assembly, and not to allow them to go out of his possession without permission of the assembly.

To authenticate by his signature, when necessary, the acts of the assembly.

As the representative of the assembly, to conduct all necessary correspondence.

He should stand while reading or calling the roll.

Subsidiary Motions. — These are designed to modify, delay action upon, or suppress the questions to which they are applied. The order of rank given below follows the rule of the United States House of Representatives relating to the precedence of motions. It is believed that the general practice conforms to this rule.

ORDER OF RANK.

1. Question of consideration.
2. To lay on the table.
3. For the previous question.
4. To postpone definitely.
5. To commit.
6. To amend.
7. To postpone indefinitely.

Subsidiary motions are especially applicable to main questions and questions of privilege. They cannot be applied to one another, with these exceptions: the motions to amend, to commit, and to postpone definitely can be amended, the previous question can be ordered on any debatable, subsidiary question, and a vote to amend the minutes may be laid on the table without tabling the minutes.

When a subsidiary motion is introduced, the consideration of the main question is at once suspended, and, if that question is not disposed of by subsidiary action, its consideration can be resumed after the subsidiary question has been decided.

Subsidiary motions (except to amend) take precedence of one another in the order of their rank, and yield to privileged and incidental motions, and to one another in the reverse order of their rank.

Suspension of the Rules. — This is generally provided for by a special rule, as in the

United States House of Representatives, where the rules may be suspended by a two-thirds vote. In the absence of a rule providing for suspension, there can be no suspension except by unanimous consent.

Form. "I move that the rules be suspended that [stating the reason for suspension]."

RULES.

1. It is not debatable.

2. It takes precedence only of the question giving rise to it, and yields to privileged motions.

3. It cannot be reconsidered.

4. It cannot be renewed at the same meeting for the same purpose.

5. No subsidiary motion can be applied to it.

Tabling. — *Aim.* To put off the consideration of a question until it may be convenient for the assembly to consider it. The motion to lay on the table is employed

for this purpose. It is also used, at times, to defeat a measure, as when it is thought that a majority cannot be secured to take the question from the table.

Effect. If carried, it removes the question to which it is applied, with all that is connected with it, from the assembly, until taken from the table.

Form. "I move that the question be laid on the table."

Rules.

1. It cannot be amended.
2. It is not debatable.
3. If the question of amending the minutes is tabled, the minutes are not tabled with it.
4. It takes precedence of all other subsidiary motions, except the question of consideration, and yields to any privileged or incidental motion.
5. If carried, it cannot be reconsidered.
6. No subsidiary motion can be applied to it.

7. To lay a question on the table until a specified time is not a proper parliamentary motion.

Taking from the Table. — The motion to take from the table is in order whenever no other business is pending. When taken from the table, a question is restored to the place it held when tabled.

RULES.

1. It is not debatable.
2. It takes precedence of nothing.
3. If carried, it cannot be reconsidered.
4. No subsidiary motion can be applied to it.

Voting, Methods of. — On debatable questions, as a preliminary to voting, the chairman, after stating the question, asks, "Are you ready for the question?" which inquiry he should omit when putting an undebatable question, as the vote on the latter must be taken at once.

The common methods of voting are: —

(1) By general consent. On routine questions the chairman may say, "If there are no objections, the motion is adopted," or "referred to [the appropriate committee]." If objection is raised, a formal vote must be taken.

(2) By *viva voce*. *Form:* "As many as are in favor of the adoption of the resolution, report, etc., will say ay; those opposed, no." The chairman will then state the result.

(3) By raising hands. *Form:* "Those in favor will raise their right hands. Those not in favor will manifest it in the same manner."

(4) By a standing vote. *Form:* "Those in favor will stand and remain standing until they are counted." The affirmative vote having been counted, the chairman will say, "You will be seated. Those opposed will stand and remain standing until they are counted." The negative votes having been counted, he requests all to be seated while he announces the result.

When resolutions of ceremony, as an expression of thanks, or in memory of the dead, are presented, it is customary to adopt the resolutions by a standing vote, and usually not to call for the negative side of the question.

(5) By yeas and nays. A call for this method requires a majority, unless another number is prescribed by a special rule. *Form:* "Those in favor, when their names are called, will answer yes. Those opposed will answer no. The secretary will call the roll." As the roll is called, each member answers. The chairman's name should be called last. When all have voted, the secretary will read the names of those who voted on each side. When errors have been corrected, the chair announces the result. The record must contain a list of the voters and each one's vote.

(6) By ballot. This secret method is used chiefly in elections. (See **Elections of Officers.**)

Determining the Vote — Rules.

1. A member can change his vote, except when the vote is taken by ballot, before the final announcement of the result by the chair.

2. The chairman, when a member of the assembly, is entitled to vote, but he does not usually avail himself of this right, except when his vote will change the result.

3. When there is a tie vote, the motion is lost, except in the case of a vote on an appeal, unless the chair votes in the affirmative, thus breaking the tie.

4. Every member is bound to vote, unless excused, or unless he has a direct personal interest in the question at issue, apart from the interests of the other members.

5. Should any member doubt the accuracy of the vote, he will say, — "Mr. Chairman, I doubt the vote and call for a

division." The chairman (stating that a division is called for): "Those who are in favor of [restating the question] will rise and remain standing until they are counted." After the count of the affirmative, he will say, "The ays will be seated, and the nays will rise." In small assemblies the chairman or the secretary may count. In larger bodies, tellers appointed from each side of the question should count. The count having been completed, the chairman announces the result.

Voting, Principle of. — The right of the majority of votes to prevail is the principle recognized by parliamentary law, as that upon which the decisions of deliberative assemblies are made, the only exception to the majority rule being that suspension of the rules, in the absence of a special rule to the contrary, requires general or unanimous consent. But special rules applying to certain questions are frequently adopted, which modify the common parlia-

mentary rule, and require a less or greater number than a majority, to express the will of an assembly. Thus the Constitution of the United States provides that the yeas and nays of the members of either House of Congress shall, at the desire of one-fifth of those present, be entered on the journal. The same instrument prescribes a two-thirds vote as requisite for the expulsion of a member, for the passage of a vetoed bill, and for the proposal of amendments to the Constitution.

The two-thirds rule has been widely adopted, and frequently applied to voting on such questions as ordering the previous question, objection to consideration, etc., because it has been considered necessary in order to restrain an arbitrary majority from infringing the rights of the minority, but it cannot be said to have been so generally accepted as to constitute a rule of parliamentary law.

Withdrawal of a Motion. — A motion may

be withdrawn by the mover before it has been stated by the chair. Thereafter it is in the possession of the assembly, and cannot be withdrawn except by permission, which can only be had, if objection is made, by vote of the assembly.

Effect. If withdrawn, the motion, with all that adheres to it by way of amendment, and any pending subsidiary motions, are removed from consideration.

Form. (When objection exists) "I move that the member be allowed to withdraw the motion."

Rules.

1. It is not debatable.
2. It takes precedence of the main question, and yields to privileged questions.
3. It may be reconsidered.
4. A motion withdrawn, not having been acted upon, can be renewed.
5. No subsidiary motion can be applied to the motion for leave to withdraw.

6. The mover should ask the consent of his second to withdrawal.

NOTE. — The usage in many assemblies follows the rule of the United States House of Representatives, which allows the mover to withdraw his motion at any time before a decision upon it, such as the adoption of an amendment, or the ordering of the previous question.

A GLOSSARY OF PARLIAMENTARY TERMS.

(L) = Latin.

Acclamation. — A loud or eager expression of assent. When an assembly votes by acclamation, it means that a great majority have agreed on some matter, and that it would be useless to divide the assembly for the purpose of taking a more formal vote.

Ad Referendum (L). — For further consideration.

Agree, To. — One of a series of motions used only in legislatures consisting of two houses. They are to agree or concur, to disagree or non-concur, to recede, to insist, and to adhere. The use of these motions is thus stated in Jefferson's Manual, the authority of the United States Congress. "When

either House, *e.g.* the House of Commons, send a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment, — the Lords insist on it, — the Commons insist on their disagreement, — the Lords adhere to their amendment, — the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose to keep the question open. But the first adherence by either renders it necessary for the other to recede or to adhere also, when the matter is usually suffered to fall. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless."

Alternate. — One authorized to take the place of another in his absence, — as, "The delegate's alternate voted in his stead."

Annul. — To destroy the force of, to render void in law and of no effect, — as,

"A bill should be passed to annul all such statutes."

Apply. — A motion is said to apply to a pending question when it tends to modify it, or to dispose of it in any way.

Appointment. — The designation of a person by the person or persons having authority therefor, to discharge the duties of some office or trust. In a broad sense elected officers are appointed by an assembly, but, as distinct from an election, it seems that an appointment is usually made by one person or by a limited number, as a committee, with delegated powers, while an election is made by all of a class.

At Large. — A representative or delegate at large is one chosen to represent a whole community, in distinction from one chosen to represent a particular part.

Ballot. — The method of secret voting, originally with small balls of different colors. Later, more generally, by tickets or slips of paper. The ballot was used

in Athens twenty-four hundred years ago and we know not how much earlier. The secret ballot in popular elections is the safeguard of personal freedom, but, as regards legislative bodies, the method is so out of favor that several of the states require all votes of the legislature to be *viva voce*, that the people's representatives may be held to personal responsibility, and to bring the acts of representatives before their constituency in the clearest manner.

A formal ballot is one taken in proper form, intended to be valid as an expression of the will of the assembly.

An informal ballot is one taken merely to obtain an expression of the opinion of the assembly, with the understanding that it is not to be valid as regards any action of the assembly. It is often customary to vote that the informal ballot be declared formal or decisive, and therefore valid.

Bar. — The rail or barrier dividing from the body of the house a space to which non-

members may be admitted for business purposes. The bar of a legislative assembly is the space in front of the presiding officer, to which space offenders are brought, as to the bar of the house, for examination, trial, or reprimand.

Bill. — Any proposed act of legislation drawn up in proper form for submission to a legislature for discussion and action.

Blackball. — To exclude a person from an assembly by adverse votes recorded by placing black balls in the ballot-box. White balls elect, black reject — the number necessary to elect or reject being prescribed by special rule.

Board. — A table at which a council is held. Hence, figuratively, the company of persons that assemble around a council table, as, a board of trustees.

Body. — A number of persons acting together, and duly organized to transact business.

By-laws. — Rules of an assembly supple-

mentary to its constitution and distinguished therefrom in being more particular, and, generally, more easily altered.

Calendar.— A list of items of business assigned by vote of an assembly, or reported from committees, as being in order for consideration at a specified time. Calendars form a useful part of the machinery of legislation, as, "The calendar of the committee of the whole," "The calendar of general orders," etc.

Casting Vote. — The vote of a presiding officer, which decides a question, when an assembly is equally divided.

Censure. — To discipline by open rebuke.

Chiltern Hundreds. — A curiosity of English procedure. Chiltern Hundreds constitute a district in Buckinghamshire, over which the crown formerly appointed stewards. These offices have long been obsolete, so far as actual duties are concerned, but are now used fictitiously for a special purpose. No member of Parliament can

lawfully resign his seat, so long as he is duly qualified. If he accepts an office under the crown, he is thereby disqualified and must vacate his seat. A member desiring to effect his release from legislative duties therefore applies for an appointment as the steward of Chiltern Hundreds. The appointment necessitates his resignation, and having thus fulfilled its purpose, it is again vacated, so as to be ready to be given to the next member who wishes to so use it. This custom dates from 1750.

Closure. — The closing of debate by vote of an assembly or by other competent authority. Previous to 1882 there was no power in the House of Commons, not even in the majority, to end discussion. When in that year rules were introduced giving the House that power, the principle was often called *cloture*, the name applied to it in the French Assembly.

Committee of Conference. — Representatives and agents of both houses of a legis-

lature appointed to confer on points of disagreement between the houses on amendments, with the general purpose of coming to an agreement. Such committees are often called conferees.

Concurrent Resolutions. — (See **Resolution.**)

Constituency. — The body of voters who elect a representative member of a legislature or other public assembly. In a broader use, all who live in the district or place represented.

Constitution. — The framework of government for an assembly, giving its name, the purpose of its organization, the duties of its officers, and stating the fundamental laws which are to govern it.

Contempt. — Disobedience or open disrespect to the rules of an assembly or to its officers, as a disturbance or interruption of its proceedings.

Credential. — A written evidence of the election of a member of a delegated assem-

bly, duly authenticated or signed by the chairman and secretary of the body by which such member was appointed.

Deadlock. — A situation where, for a time, a decision is impossible, as when the friends and opponents of a measure are equal in number, and neither side will yield.

De Facto (L). — In fact. An officer *de facto* is one who performs the duties of an office, with apparent right, without being actually qualified so to act.

De Jure (L). — Rightfully, lawfully. An officer *de jure* is one entitled to hold his office by reason of appointment by lawful authority. An officer *de facto* is, *prima facie*, one *de jure*.

Decorum. — An orderly observance of the rules.

Delegate. — A representative member of an assembly. In this sense generally limited to occasional assemblies, as conventions.

De Novo (L). — Anew, afresh. A mo-

tion renewed may be said to be offered *de novo*.

Discharge. — To free from duty, as to discharge a committee. To dispense with further consideration, as to discharge a special order.

Disqualifying Interest. — Such an interest, financial or otherwise, as a member has, apart from the interests of other members, in the passage of a measure, and which consequently prevents him from voting thereon.

Elimination. — The form of amending by striking out words is sometimes called amendment by elimination.

Enacting Clause. — The introductory clause of a bill beginning, "Be it enacted," etc. Sometimes a bill is defeated by the adoption of an amendment to strike out the enacting clause.

Engrossed Bill. — A clean copy of a bill written in a fair, legible hand, in proper form for final action.

Enrolled Bill. — A bill which, having passed both houses, is written on parchment ready for the signatures of the legislative and executive officers.

Ex Officio (L). — By virtue of his office.

Expunge. — To erase from the record something which has been regularly adopted, entered, and approved. Although legislative bodies of high repute have furnished precedents for such action, it is evident that a vote to expunge is but a vote to falsify the record, and serves to bring into greater prominence the portion expunged.

File. — A thread, string, or wire, upon which papers are fastened for safe keeping and ready turning to the same. To place a paper on file, in modern usage, consists in placing it in the custody of the proper officer, whose duty is to preserve it for future reference, if necessary.

Filibustering. — At times a minority, bent on defeating a pending measure, have consumed the time during which it could be

considered, by making many dilatory motions and insisting on the calling of the roll on each motion. The motion to adjourn, which, being a highly privileged motion, can be renewed frequently, is often used for this purpose. Sometimes this practice has been kept up for several days and nights. This and other artful methods of impeding legislation have been termed "filibustering." As the original meaning of the term is an unusual and irresponsible mode of carrying on war, it is appropriately applied to such methods of parliamentary warfare.

Floor. — That part of the house assigned to members from which they may speak. Hence, figuratively, the right or privilege of speaking in preference to other members. To obtain the floor is to be recognized by the presiding officer as having the right to address the assembly.

Gag Law. — A name applied to the previous question, when made prematurely.

To attempt to cut off debate before members have had a fair chance to state their views is an abuse of this motion which should be made only after debate has been practically exhausted.

Gavel. — The mallet or hammer of a presiding officer, used to secure attention or call to order.

Grace. — The custom of permitting delay in opening a meeting at the appointed time, a custom which has largely fallen into disuse. In some assemblies, as town meetings, a delay of a few minutes may be sometimes necessary, but usually a meeting should be opened promptly at the hour appointed. When a quorum is not present, the most general usage is to wait a half hour, when, if still there is no quorum, an adjournment is voted.

House. — One of the divisions of a legislative body consisting of two branches. In a general sense the term is applied to any assembly.

In Fieri (L). — In process of completion. A thing is said to rest *in fieri*, when it is not yet complete, as a bill which has passed through some of the customary stages, but has not been passed.

Job. — A transaction in which the public interest is sacrificed to private gain or party advantage.

Joint Resolution. — (See **Resolution.**)

Journal. — A daily record of proceedings.

Legislature. — The body of men which makes the laws for a state or nation.

Lobby. — A hall, corridor, or anteroom adjacent to a legislative hall. To lobby is to frequent the lobby of a legislature or other delegated body for the purpose of influencing the official action of members. In a broader sense, to lobby is to attempt to influence legislators anywhere.

Lobbyist. — One who makes it a business to procure the passage of bills by persuasion or inducements.

Log-rolling. — Originally a joining of

forces for the purpose of rolling great logs from the forest. Hence, the mutual aid given by legislators to one another, as, when one assists in the passage of a bill in which he has no interest, in consideration of like assistance from the interested member.

Mace. — The time-honored emblem of popular sovereignty, used only in that branch of the legislature which the more nearly represents the people, as the House of Commons or the United States House of Representatives. The mace now in use in the latter body consists of a bundle of ebony rods, each ending in a spear head, bound around with bands of silver, and surmounted by a globe on which is poised an eagle with extended wings. The mace stands behind the Speaker's chair, from which place it is removed when the House is not in session. It is sometimes borne by the sergeant-at-arms, as a badge of authority.

Majority. — This word has three recognized meanings, as connected with voting.

(1) The larger number; more than half. (2) The number by which the votes cast for the successful candidate exceed the votes of any other or all other candidates. In this sense majority and plurality really have the same meaning, but in referring to an election, the term "plurality" is generally used only when there are more than two candidates, and no one has a majority (more than half) of the votes. Thus, A has 20 votes, B 15, C 10. A has a plurality of 5 votes over B, though he has a minority (less than half) of the total vote. (3) In the rule of the United States House of Representatives, which prescribes that the motion to reconsider may be made only by a "member of the majority," the word "majority" means the prevailing side. Thus, if a measure is lost by a tie vote, as 50 yeas to 50 nays, the motion must come from one who voted nay. Where a vote of two-thirds is required, if there are 40 yeas and 26 nays, and the measure is lost, one of the

26 is a member of the majority for the purpose of this rule.

Meeting, Session, Sitting. — Each of these words has two distinct meanings. (1) The time between the call to order and an adjournment, using the word adjournment in its ordinary sense. (2) The time between the call to order and an adjournment *sine die*, or a dissolution of the assembly. It would conduce to clearness of thought, if we were to apply the first meaning to a meeting and a sitting only, and the other to a session, regarding the latter as a series of meetings or sittings, — as, "The body during its annual session held fifty meetings or sittings."

Member. — One who has united with, or who has been chosen a part of an assembly, and hence is entitled to the rights and privileges of membership in such assembly.

An active member is one on whom are incumbent all the duties of membership. An honorary member is one upon whom

membership has been conferred as an honor, but who has no duties to perform and no share in the management.

Memorial. — (See **Petition.**)

Minutes. — A daily record of proceedings written by the recording officer.

Moderator. — A name given to the presiding officer of a town meeting and sometimes of a religious society.

Monitor. — A teller in a legislative body, generally appointed to act during the session.

Naming a Member. — An announcement by the chair that a member (calling his name) has been guilty of irregular or improper conduct. Having been named, the member is subject to such discipline as the assembly may decide upon.

Nomination. — The act of naming a person for office. One so named is called a nominee.

Oath of Office. — An oath required by law from an officer, promising the faithful performance of his duties.

Ordinance. — An act, law, or statute, especially a municipal law.

Pairing. — A prevailing custom in legislative bodies, whereby a member who is obliged to be absent when a particular measure is to be voted upon agrees with a member on the opposing side that they shall both be absent from voting when final action is taken. The result is the same as if both were present and voting on opposite sides.

Parliament. — The supreme legislature of Great Britain and Ireland. It consists of two branches, the House of Lords and the House of Commons.

Parliamentary or Legislative Day. — The whole of a meeting or sitting, from the call to order to the adjournment. The parliamentary day does not necessarily coincide with the calendar day. In legislatures a sitting frequently continues until past midnight of the day of assembling.

Parliamentary Law. — That body of rec-

ognized usages of deliberative assemblies, by which their proceedings are regulated, which takes its name from the British Parliament and on the practice of which it is mainly founded.

Pending. — A question is said to be pending from the time it is stated by the chairman until it is finally disposed of.

Personality. — Something spoken or written which refers to the character, conduct, or reputation, especially something of an offensive nature.

Petition. — A written or printed document containing a prayer from the person or persons presenting it, to the body to which it is presented, for the redress of some wrong or the grant of some favor. A petition giving reasons is termed a memorial.

Preamble. — The introductory part of a statute or a resolution, which states the reason and intent thereof.

Precedence. — The right of previous con-

sideration. Of two motions, A and B, A is said to take precedence of B, when A may be made while B is pending.

The terms "to take precedence" and "to supersede," as commonly used, are alike in meaning. There are, however, distinctions among questions which have the power of supersession, which are thus pointed out by Cushing: "Some of these questions merely supersede the principal question, until they have been decided; and when decided, whether affirmatively or negatively, leave that question as before. Others of them also supersede the principal question until they are decided; and, when decided one way, dispose of the principal question but, if decided the other way, leave it as before.

Subsidiary questions are of different degrees among themselves; and, according to their several natures, supersede and sometimes dispose, of one another."

Prima Facie (L). — On the first view.

Private Bill. — One that grants relief to, or confers privilege upon, an individual or a corporation.

Prorogation. — The act of proroguing, — the termination of a legislative session and postponement of its business by competent authority.

Protest. — A declaration made by one or more members of an assembly that they do not agree with some action of the assembly. It is usual to add the reasons which the protestants have for their dissent, and it is their right to have the same entered on the minutes, provided the majority vote to consent thereto.

Pro Tem (L). — An abbreviation of pro tempore, meaning for the time being.

Proviso. — A clause by which a condition is introduced, usually beginning with the word "provided."

Proxy. — A person appointed in place of another to represent him, — also the instrument by which a person is appointed so to act.

Public Bill. — One that affects the interests of the people generally.

Quasi (L). — A prefix meaning "seeming," equivalent to "as it were," expressing a resemblance, but implying that what it qualifies is unreal, as a *quasi* committee.

Query. — Either a parliamentary inquiry or a question addressed to a member in the course of debate.

Remonstrance. — A petition against some contemplated act, or against something asked for by another.

Renewal. — The offer of a proposition anew. The general rule is that a question which has been acted upon cannot be taken up again at the same meeting, except on a motion to reconsider. But if a motion has been made which has changed the character of the pending state of affairs so that the question pending is different from that before under consideration, any privileged, incidental, or subsidiary motion may be renewed.

Repeal. — The destruction of a law by a legislative act. A repeal is express, when a law is declared void and of no effect by a subsequent law. A repeal is implied, when the new law contains provisions contrary to the old law.

Rescind. — The motion to rescind, that is, to declare void some former vote, is seldom used. The same end, when desirable, can usually be reached by reconsideration. To rescind is not under ordinary conditions a proper parliamentary motion, though it may be useful in an emergency, as when it is found inexpedient to carry into effect some former action, after the time allowed for reconsideration has lapsed, and no way appears to reverse such former action, except by rescinding it. If permitted, its use should be carefully guarded by rules providing for previous notice of intention to move to rescind, and prescribing the vote necessary to carry it.

Resolution. — A formal expression of the

opinion, desire, or will of an assembly, proposed for adoption by vote. In dual legislatures, resolutions are joint or concurrent. A joint resolution is one adopted by both houses, and is intended to have the force of law. A concurrent resolution is one adopted by both houses, but which does not have the force of law. Unlike a joint resolution, it is not subject to the approval of the executive.

Return. — A formal report of facts, as a return of an election, or of some official action, as the notification of a meeting.

Rider. — A clause added to a bill and often having no relation to the bill itself. In Parliament a rider is called a tack, because attached to the bill itself. "The Senate passed the general appropriation bill for government expenses, with a "rider" organizing the territories of New Mexico and California permitting slavery." — JOHNSTON'S *American Politics*.

Roll. — A list of members in alphabetical order.

Seat. — A place assigned for occupancy by a member. Hence, the right or privilege of sitting. A seat is said to be contested when the right of holding it is in dispute, until the assembly shall have decided which of two or more claimants has been legally elected.

Second. — Seconding a motion was formally required, because it was thought that a measure that had not the support of at least two members should not be permitted to take up the time of an assembly. But the custom is rapidly falling into disuse. In the legislature of Massachusetts seconding is not required.

Seriatim. — In a series, — one after another in regular succession.

Session. — (See **Meeting.**)

Sitting. — (See **Meeting.**)

Speaker. — The presiding officer of the lower house of a legislature. The title is copied from that of the presiding officer of the House of Commons of the British Par-

liament. The speaker speaks for the house on occasions of ceremony, as the Speaker of the House of Commons formerly spoke in answer to the king, when he addressed that body.

Status Quo (L). — The existing state of affairs at a given time. While a measure remains in the same stage of progress, it is said to be *in statu quo*.

Sub Judice (L). — Under consideration, not yet decided.

Sub Silentio (L). — Under silence, by silent assent.

Supersede. — (See **Precedence.**)

Teller. — One of two or more members appointed, when a division takes place, to count the votes for and against a question.

Verification. — Proof of correctness, as the verification of a vote.

Veto. — This word is from the Latin and means "I forbid." The power by which the executive forbids a bill to become a law is called the veto power. A suspensory veto

is one to which certain conditions are attached.

Virtute Officii (L). — By virtue of his office.

Viva Voce (L). — With the living voice, by word of mouth.

Yield. — To give place to, as through inferiority in rank or importance. Of two motions, A and B, A is said to yield to B when B may be made while A is pending.

CONSTITUTION OF THE UNITED STATES OF AMERICA.

Preamble.

1. We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Article I.

2. Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

3. SECT. 2. [1] The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

4. [2] No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

5. *[3] Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The

* Clause 3 is amended by the 14th amendment.

actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

6. [4] When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

7. [5] The House of Representatives shall choose their Speaker and other officers;

and shall have the sole power of impeachment.

8. SECT. 3. [1] The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

9. [2] Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

10. [3] No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

11. [4] The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

12. [5] The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

13. [6] The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

14. [7] Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

15. SECT. 4. [1] The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

16. [2] The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

17. SECT. 5. [1] Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority

of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

18. [2] Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

19. [3] Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

20. [4] Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

21. SECT. 6. [1] The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

22. [2] No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

23. SECT 7. [1] All bills for raising revenue

shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

24. [2] Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the

journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

25. [3] Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

26. SECT. 8. The Congress shall have power — [1] To lay and collect taxes, duties, imposts, and excises; to pay the debts

and provide for the common defence and general welfare of the United States ; but all duties, imposts, and excises shall be uniform throughout the United States.

27. [2] To borrow money on the credit of the United States.

28. [3] To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

29. [4] To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

30. [5] To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

31. [6] To provide for the punishment of counterfeiting the securities and current coin of the United States.

32. [7] To establish post-offices and post-roads.

33. [8] To promote the progress of science and useful arts, by securing for limited

times to authors and inventors the exclusive right to their respective writings and discoveries.

34. [9] To constitute tribunals inferior to the Supreme Court.

35. [10] To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

36. [11] To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

37. [12] To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

38. [13] To provide and maintain a navy.

39. [14] To make rules for the government and regulation of the land and naval forces.

40. [15] To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

41. [16] To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed

in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

42. [17] To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

43. [18] To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

44. SECT. 9. [1] The migration or importation of such persons, as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

45. [2] The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

46. [3] No bill of attainder or *ex post facto* law shall be passed.

47. [4] No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

48. [5] No tax or duty shall be laid on articles exported from any State.

49. [6] No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another;

nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

50. [7] No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

51. [8] No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

52. SECT. 10. [1] No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obli-

gation of contracts, or grant any title of nobility.

53. [2] No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

54. [3] No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II.

55. Section 1. [1]The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows: —

56. [2]Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3][The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of

votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or

members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

Clause 3 is superseded by the 12th amendment.

57. [4] The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

58. [5] No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years,

and been fourteen years a resident within the United States.

59. [6] In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

60. [7] The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

61. [8] Before he enter on the execution

of his office, he shall take the following oath or affirmation : —

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

62. SECT. 2. [1]The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

63. [2]He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the

Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

64. [3] The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

65. SECT. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he

may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

66. SECT. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

67. SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of

the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

68. SECT. 2. [1]The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority ; — to all cases affecting ambassadors, other public ministers, and consuls ; — to all cases of admiralty and maritime jurisdiction ; — to controversies to which the United States shall be a party ; — to controversies between two or more States ; — between a State and citizens of another State ; — between citizens of different States ; — between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

69. [2]In all cases affecting ambassadors,

other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

70. [3] The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

71. SECT. 3. [1] Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

72. [2] The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Article IV.

73. Section 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

74. Sect. 2. [1] The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

75. [2] A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be re-

moved to the State having jurisdiction of the crime.

76. [3]No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

77. SECT. 3. [1]New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

78. [2]The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States;

and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

79. SECT. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

80. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by

convention in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI.

81. [1] All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

82. [2] This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every

State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

83. [3]The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Article VII.

84. The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven,

and of the independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, *President, and deputy from Virginia.*

NEW HAMPSHIRE. — John Langdon, Nicholas Gilman.

MASSACHUSETTS. — Nathaniel Gorham, Rufus King.

CONNECTICUT. — William Samuel Johnson, Roger Sherman.

NEW YORK. — Alexander Hamilton.

NEW JERSEY. — William Livingston, David Brearley, William Paterson, Jonathan Dayton.

PENNSYLVANIA. — Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE. — George Read, Gunning

Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND. — James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA. — John Blair, James Madison, Jr.

NORTH CAROLINA. — William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA. — John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA. — William Few, Abraham Baldwin.

Attest: WILLIAM JACKSON, *Secretary.*

ARTICLES

In Addition to, and Amendment of, The Constitution of the United States of America.

Proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.

85. Article I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

86. Art. II. A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

87. Art. III. No soldier shall, in time

of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

88. ART. IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

89. ART. V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a

witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

90. ART. VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

91. ART. VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than

according to the rules of the common law.

92. ART. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

93. ART. IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

94. ART. X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

95. ART. XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

96. ART. XII. [1] The electors shall meet

in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; — the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; — the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the

persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

97. [2] The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority,

then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

98. [3] But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

99. ART. XIII. SECT. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

100. SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

101. ART. XIV. SECT. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the

State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

102. SECT. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other

crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

103. SECT. 3. No person shall be a Senator, or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

104. SECT. 4. The validity of the public debt of the United States, authorized by

law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

105. SECT. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

106. ART. XV. SECT. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

107. SECT. 2. The Congress shall have power to enforce this article by appropriate legislation.

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